

ARTICLE II. REQUIREMENTS AND PROCEDURES

DIVISION 1. PLATTING REQUIREMENTS

Sec. 42-20. Subdivision plat required.

(a) Except as provided in section 42-21 of this Code, any subdivision of property in the city and its extraterritorial jurisdiction shall require a subdivision plat approved pursuant to this article. Prior to the subdivision of any property within the city or its extraterritorial jurisdiction, the owner of the property proposed to be subdivided, or the owner's authorized agent, shall obtain approval from the commission or the director, as applicable, of a subdivision plat of the subdivision submitted pursuant to the requirements of this chapter. All property in the city and its extraterritorial jurisdiction that is subdivided shall be laid out under the direction of the commission, and the city will recognize no other subdivisions.

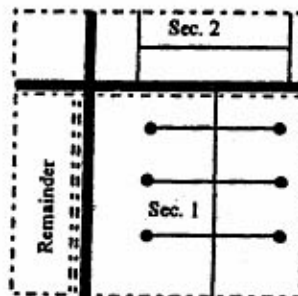
(b) The requirement to file and obtain approval of a subdivision plat may be met by filing either a class I plat, a class II plat or a class III plat, as applicable to the property proposed to be subdivided.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-21. Exceptions to subdivision platting requirements.

(a) A subdivision plat shall not be required for a subdivision of a reserve tract that is part of a subdivision plat approved by the commission or pursuant to this article if the reserve tract is not encumbered by a one-foot reserve and will not be used for single-family residential purposes.

(b) A subdivision plat shall not be required for a remainder tract that is included in a general plan previously approved by the commission or filed simultaneously with an application for a subdivision plat for any portion of the entire tract.



(c) A subdivision plat shall not be required for the dedication of a public street if the dedication is accomplished through a street dedication plat approved by the commission pursuant to this article.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-22. Development plat required.

Development of property through the new construction or enlargement of any exterior dimension of any building, structure or improvement within the city or its extraterritorial jurisdiction shall require a development plat, except that the following types of development shall be exempt from this requirement:

- (1) Buildings, structures or improvements within the central business district;
- (2) Alterations to any building or improvement, including enclosing an existing canopy or porte-cochere, that do not increase the exterior square footage by more than 100 square feet and that do not result in an encroachment into the building line requirement;
- (3) Construction of a detached single-family residential unit (or enlargement thereto) that meets the requirements of article III of this chapter on a lot that is part of, and in a manner that complies with, a recorded subdivision plat or an unrecorded subdivision plat that is recognized as a plat for the purposes of property conveyance;
- (4) A parking lot or expansion thereof;
- (5) A retaining wall, masonry wall or fence under eight feet high; or
- (6) Placement of a temporary classroom building at a public school facility.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 2, 9-27-00)

Sec. 42-23. Classes of subdivision plat.

(a) There are hereby established three classes of subdivision plat: a class I plat, a class II plat and a class III plat. Class I plats and class II plats

are optional and may be used in lieu of a class III plat if the subdivision plat meets the qualifications of this section.

(b) A class III plat is required for subdivisions that require or propose the creation of any new street or the dedication of any easement for public water, wastewater collection or storm sewer lines. A class III plat is also required for a vacating plat. Subdivisions that do not require or propose the creation of any new street or the dedication of any easement for public water, wastewater collection or storm sewer lines, at the option of the applicant, may be submitted as either a class I plat or a class II plat as determined by the respective applicable criteria, or may be submitted as a class III plat.

(c) A class II plat is a subdivision plat that:

- (1) Does not require or propose the creation of any new street;
- (2) Does not require or propose the dedication of any easement for public water, wastewater collection or storm sewer lines; and
- (3) Is not a replat that requires notification of adjacent property owners pursuant to chapter 212.

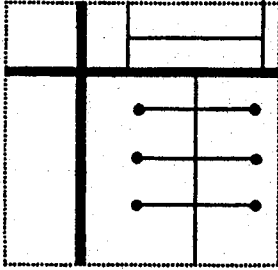
(d) A class I plat is a subdivision plat that either meets the four criteria below or is an amending plat:

- (1) Creates no more than four lots each fronting on an existing street;
- (2) Does not require or propose the creation of any new street;
- (3) Does not require or propose the dedication of any easement for public water, wastewater collection or storm sewer lines; and
- (4) Is not a replat.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-24. General plan.

(a) When property is proposed to be subdivided in sections, a general plan illustrating all contiguous property under one ownership, legal interest or common control shall be submitted prior to or simultaneously with the application for the subdivision plat for the first section.



General plan

(b) The general plan shall show:

- (1) The alignment of any major thoroughfares within or adjacent to the property in accordance with the major thoroughfare and freeway plan and all collector streets that are necessary to demonstrate an overall circulation system for the property that will meet the requirements of article III of this chapter;
- (2) Recorded easements; and
- (3) At the option of the applicant, one or more local streets, which shall extend into and connect with existing local streets and be consistent with local streets shown on any general plans for abutting property.

(c) The general plan also may identify the number of sections anticipated to be platted pursuant to the general plan and proposed land uses including single-family residential, multi-family residential, restricted and unrestricted reserves, utility plant sites, drainage and detention facilities and proposed easements affecting the subdivision of the property.

(d) Commission approval of a general plan shall be noted on the face of the plan and shall be applicable only to the major thoroughfare, collector street pattern and any local street shown on the general plan.

(e) The general plan may be amended in the same manner required for approval of the initial general plan.

(f) A general plan shall remain in effect for four years from the date of commission approval, subject to extension as provided herein. Any amendment of the general plan shall not result in an extension of the effective period. Recordation of a subdivision plat for a section within the general plan during the effective period of the general plan shall renew the general plan for an additional four years from the expiration date of the general plan if the recorded subdivision plat meets the following requirements:

- (1) The subdivision plat is consistent with the general plan; and
- (2) The subdivision plat represents the lesser of 20 percent of the total acreage in the general plan or 25 acres.

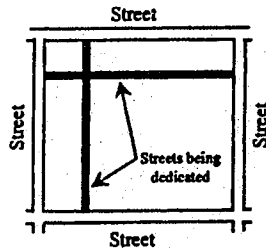
Recordation of a street dedication plat shall not extend the effective period of a general plan; provided, however, that a street dedication plat that dedicates a major thoroughfare or a collector to its points of connection with adjacent properties as shown on the general plan shall extend the general plan for four years. Nothing shall prohibit an applicant from filing an application for a general plan for the same property that was included in an expired general plan.

(g) As long as the general plan remains in effect, the street system approved in the general plan shall form the basis for street system extensions into adjacent properties to be platted, unless the subdivider of such properties demonstrates that the requirements of article III of this chapter can be met without the street extensions. (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-25. Street dedication plat.

A street dedication plat is a plat that may be filed at the option of an applicant to dedicate one or more public streets. Except as provided in this section, a street dedication plat shall not be

approved unless the commission previously has approved a general plan for the area in which the street dedication plat is located.



Street Dedication Plat

Street plat dedication

(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-26—42-39. Reserved.

**DIVISION 2. APPLICATION
REQUIREMENTS**

Sec. 42-40. Basic subdivision plat submittal requirements.

(a) An application for the approval of a subdivision plat shall be filed with the department in the form prescribed by the director for the respective class of subdivision plat, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide all required materials, in the quantity and manner prescribed by the director, on paper, on a computer disc or on electronic media;
- (3) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, regarding all contiguous land under common ownership or control;
- (4) Meet the graphic and legal requirements of sections 42-41 through 42-45 of this Code, as applicable; and
- (5) Be accompanied by the applicable filing fee.

(b) An application for the approval of a subdivision plat that is a replat shall also be accompanied by a current title report and shall comply with the notice provisions of section 42-49 of this Code, where applicable.

(c) A class III plat shall be first submitted for review as a preliminary plat in accordance with the requirements below.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-41. Additional requirements—All subdivision plats.

Each preliminary or final subdivision plat, regardless of class, shall:

- (1) State the proposed name of the subdivision, which shall not be a duplicate of any subdivision or development of record within the city or its extraterritorial jurisdiction;
- (2) Provide the legal description of the property proposed to be subdivided, including the name of the county, survey and abstract number and a reference to the nearest corner or street right-of-way intersection in the general area;
- (3) Show the location of all streets, shared driveways, alleys and easements within the subdivision plat boundaries;
- (4) Show the location of all building lines required by this chapter;
- (5) State the total acreage within the subdivision and the total number of lots, blocks and reserves;
- (6) Identify the owner of the property. If the owner of the property is not a natural person, state the name of the entity along with the name of the person authorized to execute the subdivision plat on behalf of the entity;
- (7) Identify the person or firm who prepared the plat;
- (8) Indicate the date on which the plat was drawn;
- (9) Provide a north arrow;
- (10) Orient the layout of the subdivision with north to the top of the drawing;

- (11) Provide the numeric and graphic scale for the subdivision;
 - (12) Orient the subdivision within the larger area by providing a vicinity map;
 - (13) Draw plat boundaries with heavy lines to indicate the subdivided area;
 - (14) Identify adjacent areas outside the plat boundaries indicating the name of the adjacent subdivisions, churches, schools, parks, bayous and drainage ways, acreage and all existing streets, easements, pipelines and other restricted uses;
 - (15) Identify blocks and lots within a subdivision by consecutive numbers; lot numbering may be cumulative throughout the subdivision so long as the numbering system continues from block to block in a uniform manner; and
 - (16) Identify reserves by alphabetical letter.
- (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-42. Additional requirements—Class I plat and class II plat.

In addition to the requirements of section 42-41 of this Code, applications for a class I plat or a class II plat shall meet the following requirements so that the subdivision plat is suitable for recordation upon approval by the director or the commission, as applicable:

- (1) The class I plat or class II plat shall be drawn on positive photographic film with black lines and image and shall be suitable for the reproduction of direct positive prints and reproductions;
- (2) The scale shall be one of the following:
 - a. One inch to 20 feet;
 - b. One inch to 30 feet;
 - c. One inch to 40 feet;
 - d. One inch to 50 feet;
 - e. One inch to 60 feet; or
 - f. One inch to 100 feet;

provided that the director may authorize the use of a different scale when the director determines that circumstances warrant a different scale.

- (3) The subdivision plat shall show all engineering and surveying data in a manner and to an extent sufficient to locate all of the features of the subdivision plat on the ground, including the following:
 - a. Full dimensions along all boundaries of the subdivision plat;
 - b. Full dimensions of all shared driveways;
 - c. Full dimensions of all easements, drainageways, gullies, creeks and bayous;
 - d. Full dimensions of all lots, blocks, reserves, out-tracts, compensating open space and any other tracts designated separately within the subdivision plat boundaries; and
 - e. Full dimensions of all fee strips, pipelines and other physical and topographical features necessary to be accurately located by surveying methods.

Full dimensions shall include line dimensions, bearings of deflecting angles, radii, central angles and degrees of curvature and lengths of curves and tangent distances, all of which shall be shown in feet and decimal fractions thereof.

- (4) The subdivision plat shall identify and note the intended use of all lots and reserves. In those instances where the intended use of a reserve has not been determined, the reserve shall be identified as unrestricted and so noted on the subdivision plat;
- (5) All dedication statements and certificates shall be included on the subdivision plat;
- (6) The name of each person who will sign the subdivision plat shall be lettered under a line provided for the signature;
- (7) For each class 1 plat and, at the option of the applicant for a class 2 plat, materials for recordation as provided in section 42-45 of this Code shall be submitted; and

(8) A current title report shall be submitted. (Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 3, 9-27-00)

Sec. 42-43. Additional requirements—Class III plat—Preliminary plat.

In addition to the requirements of section 42-41 of this Code, applications for a preliminary class III plat shall:

- (1) Show the location and approximate dimensions of all blocks and reserves and approximate dimensions typical for lots within the subdivision plat boundaries;
- (2) Provide survey dimensions and bearings for the boundaries of the subdivision plat, with lines outside the subdivision plat boundary, if any, drawn as dashed lines;
- (3) Show the location and approximate width of existing and proposed watercourses, ravines and drainage easements within the subdivision plat boundaries; and
- (4) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, identifying all encumbrances on the property inside the subdivision plat boundaries.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-44. Additional requirements—Class III plat—Final plat.

In addition to the requirements of section 42-41 of this Code, applications for a final class III plat shall:

- (1) Incorporate all of the provisions relating to preliminary plats and reflect the conditions and requirements of final subdivision plat approval previously imposed by the commission;
- (2) Be drawn on positive photographic film with black lines and image and be suitable for the reproduction of direct positive prints and reproductions;
- (3) Use one of the following scales:
 - a. One inch to 20 feet;
 - b. One inch to 30 feet;

- c. One inch to 40 feet;
- d. One inch to 50 feet;
- e. One inch to 60 feet; or
- f. One inch to 100 feet;

provided that the director may authorize the use of a different scale when the director determines that circumstances warrant a different scale;

- (4) Show all engineering and surveying data in a manner and to an extent sufficient to locate all of the features of the subdivision plat on the ground, including the following:
 - a. Full dimensions along all boundaries of the subdivision plat;
 - b. Full dimensions of all shared driveways;
 - c. Full dimensions of all easements, drainageways, gullies, creeks and bayous;
 - d. Full dimensions of all lots, blocks, reserves, out-tracts, compensating open space and any other tracts designated separately within the subdivision plat boundaries; and
 - e. Full dimensions of all fee strips, pipelines and other physical and topographical features necessary to be accurately located by surveying methods.

Full dimensions shall include line dimensions, bearings of deflecting angles, radii, central angles and degrees of curvature and lengths of curves and tangent distances, all of which shall be shown in feet and decimal fractions thereof;

- (5) The intended use of all lots and reserves; in those instances where the intended use of a reserve has not been determined, the reserve shall be identified as unrestricted and so noted on the subdivision plat;
- (6) Include all dedication statements and certificates; and
- (7) Include a current title report.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-45. Additional requirements for recordation of subdivision plats.

After approval of a class I plat, a class II plat or a final class III plat, the applicant shall present the following to the department for recordation of the subdivision plat:

- (1) The original subdivision plat drawing prepared on any suitable permanent translucent material of positive photographic film with lines, lettering and signatures in black ink or image, and the names of all persons signing the subdivision plat lettered under the respective signature. The original subdivision plat drawing shall evidence compliance with all conditions of final plat approval;
 - (2) A current update of the previously submitted title report that reflects any change in any of the conditions or information required in the title report since the date of the last title report, including that there has been no change, if applicable;
 - (3) An executed recorded map return agreement;
 - (4) Certification that all current city, county and school district taxes have been paid and that there are no delinquent taxes on the property, which may be provided as part of the title report or in the form of a certificate from the city, if applicable, and from the county and the school district in which the land being subdivided is located.
 - (5) For a vacating plat, the original vacation instrument.
- (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-46. Development plat submittal requirements.

An application for the approval of a development plat shall be filed with the department, and shall:

- (1) Be made on an application form provided by the department;

- (2) Provide two copies of a survey sealed and certified by a Texas registered professional land surveyor showing:

- a. The location of each existing building, structure or improvement;
- b. Each easement and right-of-way within or abutting the boundary of the surveyed property, tied to a street intersection or landmark; and
- c. The dimensions of each sidewalk, alley, square, park or other part of the property intended to be dedicated to public use or for the use of purchasers of property fronting on or adjacent to the sidewalk, alley, square, park or other part.

The survey does not have to be recent so long as it illustrates all contiguous property under one ownership or common control;

- (3) Include three copies of a site plan illustrating:
 - a. Proposed and existing buildings (where applicable), stairways, fences and adjacent roadways;
 - b. Parking that meets the applicable requirements of this chapter and chapter 26 of this Code;
 - c. Landscaping that meets the applicable requirements of chapter 33 of this Code; and
- (4) Be accompanied by the applicable filing fee.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-47. Applications requesting variance.

(a) The application for a general plan subdivision plat or development plat requesting a variance from any requirement of this chapter shall:

- (1) Identify the specific requirement for which the variance is sought;
- (2) State the extent of the variance sought;
- (3) Provide a detailed explanation of the hardship that justifies the granting of the variance; and

- (4) Provide a statement of facts addressing each of the conditions for commission approval provided in section 42-81 of this Code.

(b) An application may be amended to request one or more variances that were not requested in the initial application.

(c) The application for a general plan, subdivision plat or development plat requiring notification pursuant to part a. of section 42-83(a)(1) of this Code shall provide the following:

- (1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of the city.
- (2) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 4, 9-27-00)

Editor's note—That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2) one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-47 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

Sec. 42-48. Applications requesting special exception.

(a) The application for a general plan subdivision plat or a development plat requesting a special exception from any requirement of article III of this chapter shall:

- (1) Identify the specific requirement for which the special exception is sought;
- (2) State the extent of the special exception sought;

- (3) Provide a detailed explanation of the circumstances and facts that justify the granting of the special exception; and

- (4) Provide a statement addressing each of the conditions for commission approval provided in section 42-82 of this Code.

(b) An application may be amended to request one or more special exceptions that were not requested in the initial application.

(c) The application for a general plan, subdivision plat or development plat requiring notification pursuant to part a. of section 42-83(a)(1) of this Code shall provide the following:

- (1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of the city.
- (2) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 5, 9-27-00)

Editor's note—That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2) one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-48 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

Sec. 42-49. Replats requiring notification of adjacent property owners.

(a) A subdivision plat that is a replat subject to the provisions of section 212.015 of chapter 212 shall provide the following:

- (1) A written statement indicating the applicant's intention to seek commission approval under the requirements of section 212.015 of chapter 212.

- (2) A list identifying all owners of lots within the subdivision that is being replatted and that are within 200 feet of the lots to be replatted, as shown on the most recently approved ad valorem tax rolls of either the city or, in the case of a replat in the city's extraterritorial jurisdiction, the county in which the property proposed to be replatted is located.
 - (3) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.
- (b) The applicant shall cause notice of the required public hearing to be published before the 15th day before the date of the public hearing in a newspaper of general circulation in Harris, Fort Bend and Montgomery Counties upon authorization by the director, which shall be given after the commission establishes the date for the public hearing. Prior to commission consideration of the subdivision plat, the applicant shall provide an affidavit of publication to the department.
- (c) The applicant shall post at least one sign on the property that is the subject of the replat before the 15th day before the date of the public hearing. A sign shall face each public right-of-way bordering the site and the lettering on the sign shall be legible from the public right-of-way. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site before the close of the public hearing. (Ord. No. 99-262, § 2, 3-24-99)
- Sec. 42-50. General plan submittal requirements.**
- An application for the approval of a general plan shall be filed with the department, and shall:
- (1) Be made on an application form provided by the department;
 - (2) Provide all required materials, in the quantity and manner prescribed by the director, on paper, on a computer disc or on electronic media;
 - (3) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, identifying all encumbrances on the property inside the general plan boundary;
 - (4) State the proposed name of the general plan, which shall not be a duplicate of any subdivision or development of record within the city or its extraterritorial jurisdiction;
 - (5) Provide the legal description of the property in the general plan, including the name of the county, survey and abstract number and a reference to the nearest corner or street right-of-way intersection in the general area;
 - (6) Show the location of all collector streets and major thoroughfares, and at the option of the applicant, all local streets, within the general plan boundaries;
 - (7) State the total acreage within the general plan;
 - (8) Identify the owner of the property; if the owner of the property is not a natural person, state the name of the entity along with the person authorized to execute the general plan on behalf of the entity;
 - (9) Identify the person or firm who prepared the general plan;
 - (10) Indicate the date on which the general plan was drawn;
 - (11) Provide a north arrow;
 - (12) Orient the layout of the general plan with north to the top of the drawing;
 - (13) Provide a numeric and graphic scale, which shall be a minimum of 1" = 600' and no greater than 1" = 100';
 - (14) Orient the general plan within the larger area by providing a vicinity map;
 - (15) Have boundaries drawn with heavy lines to indicate the area included in the general plan;
 - (16) Identify adjacent areas outside the general plan boundaries, indicating the name of the adjacent subdivisions, and show the location and approximate width of exist-

ing and proposed water courses, ravines, drainage easements, streets and pipelines within and adjacent to the general plan boundaries;

- (17) Provide survey dimensions and bearings for the boundaries of the general plan, with lines outside the general plan boundaries, if any, drawn as dashed lines; and
 - (18) Be accompanied by the applicable filing fee.
- (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-51. Street dedication plat submittal requirements.

An application for the approval of a street dedication plat shall be filed with the department, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide all required materials, in the quantity and manner prescribed by the director, on paper, on a computer disc or on electronic media;
- (3) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, identifying all encumbrances on the property inside the street dedication plat boundary;
- (4) State the proposed name of the street dedication plat, which shall not be a duplicate of any subdivision or development of record within the city or its extraterritorial jurisdiction;
- (5) Provide the legal description of the property proposed to be dedicated, including the name of the county, survey and abstract number and a reference to the nearest corner or street right-of-way intersection in the general area;
- (6) State the total acreage within the street dedication plat;
- (7) Identify the owner of the property. If the owner of the property is not a natural person, state the name of the entity along

with the name of the person authorized to execute the street dedication plat on behalf of the entity;

- (8) Identify the person or firm who prepared the street dedication plat;
 - (9) Indicate the date on which the plat was drawn;
 - (10) Provide a north arrow;
 - (11) Orient the layout of the street dedication plat with north to the top of the drawing;
 - (12) Provide a numeric and graphic scale, which shall be a minimum of 1" = 100' and no greater than 1" = 20';
 - (13) Orient the street dedication plat within the larger area by providing a vicinity map;
 - (14) Draw plat boundaries with heavy lines;
 - (15) Provide survey dimensions and bearings for the boundaries of the street dedication plat, with lines outside the street dedication plat boundaries, if any, drawn as dashed lines; and
 - (16) Be accompanied by the applicable filing fee.
- (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-52. Initial review by director.

The director initially shall review each application for subdivision plat, development plat, general plan and street dedication plat for completeness. If the director determines that the application is complete, the application shall be acted upon as further provided in this article. If the director determines that the application is incomplete, he or she shall return the application with an explanation of the deficiency.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-53. Time for submittal.

(a) Complete applications that require approval by the commission and that are submitted to the department by 11:00 a.m. on the Monday of the week before the next regularly scheduled meeting of the commission shall be placed on the agenda for consideration by the commission at

that meeting. If the Monday of the week preceding a regularly scheduled commission meeting is a city holiday, complete applications that are submitted to the department on the first city business day following the Monday holiday shall be placed on the agenda for consideration by the commission at that meeting.

(b) Complete applications for a class I plat or a development plat shall be reviewed and approved, where appropriate, or referred to the commission by the director not later than ten days from the date the complete application was submitted. Applications referred to the commission under this subsection shall be placed on the commission agenda for the next meeting for which proper notice can be given.

(c) Replats that require notice to property owners pursuant to chapter 212 shall be placed on the commission agenda for consideration on the date established for the public hearing required by chapter 212.

(d) Plats that require notice to property owners pursuant to sections 42-81 or 42-82 of this Code shall be placed on the commission agenda for the next meeting for which proper notice can be given.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 6, 9-27-00)

Editor's note—That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2) one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-53 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

Sec. 42-54. Application fees.*

The director shall, from time to time, prepare and submit for approval by motion of the city

***Editor's note**—Section 5 of Ord. No. 99-262, adopted March 24, 1999 states: That the City Council hereby approves the initial schedule of application fees for subdivision plats and development plats that is attached to and made a part of this Ordinance as Exhibit B. Exhibit B is not set out herein.

council a schedule of fees that shall be paid by an applicant for a subdivision plat, development plat, general plan and street dedication plat. Payment of any applicable fees when due is a condition of the processing of any application under this article.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-55. Private easement holder's consent.

Prior to recordation of the subdivision plat, the applicant shall submit a written instrument from the owner of any privately owned easement or fee strip within the plat boundaries that is proposed to be crossed by a street, private street, shared driveway or public utility or drainage easement. The instrument must state that the owner of the easement or fee strip consents to each crossing for the purposes intended and depicted upon the subdivision plat. In those instances where the applicant submits an instrument of record in lieu of a letter or statement from the owner of the private easement or fee strip, the department shall then refer the recorded instrument to the city attorney for determination of whether the conditions contained in the recorded instrument adequately provide or accommodate the crossing of the private easement or fee strip by the proposed street, private street, shared driveway or public utility or drainage easement depicted on the plat. If the city attorney determines that the recorded instrument is not adequate, the applicant shall then submit evidence of the consent of the owner of the private easement or fee strip.

(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-56—42-69. Reserved.

DIVISION 3. REVIEW PROCEDURES

Sec. 42-70. In general.

This division establishes the procedures for the review of applications for subdivision plats, development plats, general plans and street dedication plats. As provided in this division, the director is authorized to approve class I plats and development plats that meet the requirements of this chapter. Only the commission is authorized to

approve class II plats, class III plats, general plans, street dedication plats and any class I plat or development plat that the director refers to the commission. The following chart is a summary of

the approval process intended for illustrative purposes only. In case of conflict between the chart and the text, the text shall prevail.

	<i>Class I plat</i>	<i>Class II plat</i>	<i>Class III plat</i>	<i>Dev. plat</i>
Administrative Approval Planning Comm'n Approval Required	Yes	No	No	Yes
• Always	No	Yes	Yes	No
• For plat with variance or special exceptions	Yes	Yes	Yes	Yes
• For replat	N/A	Yes	Yes	N/A
Preliminary approval required	No	No	Yes	N/A

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-71. Commission consideration and action.

(a) The commission shall consider and act on each class III plat submitted to it on a preliminary basis and upon a final basis. The commission shall consider and act on each class II plat submitted to it on a final basis. The commission shall consider and act on each subdivision plat or development plat that requests a variance or special exception. The commission also shall consider and act on each class I plat or development plat that is referred to the commission by the director.

(b) The commission shall approve each subdivision plat that complies with the provisions of this chapter and other applicable laws and requirements.

(c) The approval of any subdivision plat that is encompassed by a general plan approved by the commission shall reflect a determination that the subdivision plat is consistent with that general plan.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-72. Commission consideration and action—Class I plat.

(a) The commission shall consider and act on each class I plat for which a variance or special exception is requested as provided in this subsection. Upon consideration of a class I plat for which a variance to or special exception from the requirements of article III of this chapter is requested, the commission shall:

- (1) Approve the class I plat, with or without conditions, if the commission finds that it meets the applicable requirements of this chapter and other applicable law;
- (2) Grant one or more requested variances or special exceptions in whole or in part, with or without conditions, upon satisfaction of the requirements of section 42-81 or section 42-82 of this Code, as applicable, and approve the class I plat with the variance or special exception so granted;
- (3) Deny any requested variance or special exception, if the commission is unable to

make the findings necessary for granting a variance or a special exception pursuant to sections 42-81 or 42-82 of this Code and approve the class I plat without the variance or special exception so denied;

- (4) Defer action until the next regular meeting, but not to exceed 30 days from the filing date; or
- (5) Disapprove the class I plat upon finding that it fails to comply with all the applicable requirements of this chapter or other applicable law.

(b) The commission shall consider and act on each class I plat referred to it by the director, as provided in this subsection. Upon consideration of a class I plat referred to it by the director, the commission shall:

- (1) Approve the class I plat upon finding that it complies with the applicable requirements of this chapter and other applicable law;
- (2) Disapprove the class I plat upon finding that it fails to comply with the applicable requirements of this chapter or other applicable law; or
- (3) Defer action until the next regular meeting, but not to exceed 30 days from the filing date:

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-73. Commission consideration and action—Class II plat.

The commission shall consider and act on each class II plat as provided in this section. Upon consideration of a class II plat, the commission shall:

- (1) Grant final approval of the class II plat, with or without conditions, if the commission finds that it meets the requirements of this chapter and other applicable law;
- (2) Grant one or more requested variances or special exceptions in whole or in part, with or without conditions, upon satisfaction of the requirements of section 42-81

or section 42-82 of this Code, as applicable, and approve the class II plat with the variance or special exception so granted;

- (3) Deny any requested variance or special exception, if the commission is unable to make the findings necessary for granting a variance or a special exception pursuant to sections 42-81 or 42-82 of this Code and approve the class II plat without the variance or special exception so denied;
- (4) Defer action until the next regular meeting, but not to exceed 30 days from the filing date; or
- (5) Disapprove the class II plat upon finding that it fails to comply with all the applicable requirements of this chapter or other applicable law.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-74. Commission consideration and action—Class III plat.

(a) The commission shall consider and act on each preliminary class III plat and each final class III plat as provided in this section.

(b) Upon consideration of a preliminary class III plat, the commission shall:

- (1) Grant approval of the preliminary class III plat, with or without conditions, upon finding that it meets all the applicable requirements of this chapter and other applicable law;
- (2) Approve one or more requested variances or special exceptions, in whole or in part, with or without conditions, pursuant to section 42-81 or section 42-82 of this Code, as applicable, and approve the preliminary class III plat with the variance or special exception so granted;
- (3) Deny any requested variance or special exception, if the commission is unable to make the findings necessary for granting a variance or a special exception pursuant to sections 42-81 or 42-82 of this Code and approve the preliminary class III plat without the variance or special exception so denied;

(4) Defer action until the next regular meeting, but not to exceed 30 days from the filing date; or

(5) Disapprove the preliminary class III plat upon finding that it fails to comply with all the applicable requirements of this chapter or other applicable law.

(c) Upon consideration of a final class III plat, the commission shall:

- (1) Grant final approval, with or without conditions, if the final class III plat complies with all the applicable requirements of this chapter and other applicable law and with the conditions of preliminary approval;
- (2) Defer final action until the next regular meeting, but not to exceed 30 days from the filing date; or
- (3) Disapprove the final class III plat upon finding that it fails to comply with the applicable requirements of this chapter or other applicable law or with any conditions of approval of the preliminary plat.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-75. Commission consideration and action—Development plat.

(a) The commission shall consider and act on each development plat for which a variance or special exception is requested as provided in this subsection. Upon consideration of a development plat for which a variance or special exception is requested, the commission shall:

- (1) Approve the development plat, with or without conditions, if the commission finds that it meets the applicable requirements of this chapter and other applicable law;
- (2) Grant one or more requested variances or special exceptions in whole or in part, with or without conditions, pursuant to section 42-81 or section 42-82 of this Code, as applicable, and approve the development plat with the variance or special exception so granted;
- (3) Deny any requested variance or special exception, if the commission is unable to

make the findings necessary for granting a variance or special exception pursuant to sections 42-81 or 42-82 of this Code and approve the development plat without the variance or special exception so denied;

- (4) Defer action until the next regular meeting, but not to exceed 30 days from the date of initial commission consideration; or
- (5) Disapprove the development plat if the commission finds that it fails to comply with all the requirements of this chapter or other applicable law.

(b) The commission shall consider and act on each development plat referred to the commission by the director as provided in this subsection. Upon consideration of a development plat referred to it by the director, the commission shall:

- (1) Approve the development plat if the commission finds that it complies with the applicable requirements of this chapter and other applicable law;
 - (2) Disapprove the development plat if the commission finds that it fails to comply with the applicable requirements of this chapter or other applicable law; or
 - (3) Defer action until the next regular meeting, but not to exceed 30 days from the initial commission consideration.
- (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-76. Commission consideration and action—General plan.

The commission shall consider and act on applications for a general plan as provided in this section. Approval of a general plan by the commission shall be limited to the location and alignment of major thoroughfares, collector streets and any local streets shown on the general plan. Upon consideration of a general plan the commission shall:

- (1) Approve the general plan if the commission finds that the general plan complies with the applicable requirements of this chapter with respect to the location of

major thoroughfares, collector streets and any local streets shown on the general plan;

- (2) Grant one or more requested variances or special exceptions in whole or in part, with or without conditions, pursuant to section 42-81 or section 42-82 of this Code, as applicable, and approve the general plan with the variance or special exception so granted;
 - (3) Deny any requested variance or special exception, if the commission is unable to make the findings necessary for granting a variance or special exception pursuant to section 42-81 or section 42-82 of this Code, as applicable, and approve the general plan without the variance or special exception so denied; or
 - (4) Disapprove the general plan if the commission finds that the general plan does not comply with the applicable requirements of this chapter with respect to the location of major thoroughfares, collector streets and any local streets shown on the general plan.
- (Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 7, 9-27-00)

Sec. 42-77. Commission consideration and action—Street dedication plat.

The commission shall consider and act on applications for street dedication plats as provided in this section. Upon consideration of a street dedication plat the commission shall:

- (1) Approve the street dedication plat if the commission finds that the street dedication plat is consistent with a previously approved general plan encompassing each street to be dedicated by the street dedication plat; or
 - (2) Disapprove the street dedication plat if the commission finds that the street dedication plat is not consistent with a previously approved general plan encompassing each street to be dedicated by the street dedication plat.
- (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-78. Director consideration and approvals.

(a) The director shall consider applications for class I plats and development plats as provided in this section. Upon consideration of a class I plat or a development plat the director shall:

- (1) Approve the class I plat or the development plat if it complies with the requirements of this chapter; or
- (2) Refer the class I plat or the development plat to the commission if the director finds that it does not comply with the requirements of this chapter.

(b) If the director refers a class I plat or a development plat to the commission as provided in this section, the director shall promptly notify the applicant that the class I plat or the development plat has been referred to the commission and will be considered by the commission at the next meeting for which proper notice can be given.

(c) An applicant for a class I plat or development plat that the director refers to the commission pursuant to this section shall be entitled to amend the application for the class I plat or development plat to seek one or more variances or special exceptions. The commission shall consider and act on a class I plat or development plat amended as provided by this subsection pursuant to the standards of sections 42-72(a) or 42-75(a) of this Code, as applicable.

(d) If an applicant does not amend an application for a class I plat or development plat, the director shall refer the application to the commission for consideration at the first commission meeting for which proper notice can be given. The commission shall consider and act on a class I plat or development plat referred as provided by this subsection pursuant to the standards of sections 42-72(b) or 42-75(b) of this Code, as applicable. (Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-79. Reconsideration of subdivision plat approval conditions.

(a) At the request of the owner of a proposed subdivision, at any time during the period a previous commission approval of a subdivision

plat remains valid, but prior to the time that the subdivision plat is filed of record, the commission may reconsider any requirement or condition of approval imposed by it. A request for reconsideration shall:

- (1) Be made in writing;
- (2) Be submitted to the director in conformance with the provisions of section 42-53 of this Code regarding the submittal of subdivision plats;
- (3) State the specific requirement or condition of approval requested to be reconsidered and the reasons for reconsideration; and
- (4) Be accompanied by the applicable fee.

(b) Upon consideration of a request for reconsideration, the commission shall reaffirm its previous actions or shall approve the request for reconsideration, with or without conditions, as the commission finds the merits of the situation warrant. The director shall not calendar a request to reconsider the same requirement or condition of approval once the commission has rendered a decision upon a request for reconsideration unless the applicant presents new information that was not known by the applicant at the time of the original reconsideration.

(c) If the relief requested by the applicant requires a variance or special exception, the applicant shall submit a complete amended application for the subdivision plat that contains all of the information required by section 42-47 or 42-48 of this Code, as applicable, and the commission shall make the findings necessary for the granting of a variance or special exception, as applicable, in considering the request for reconsideration.

(d) Each request for reconsideration shall be subject to all public hearing and notification requirements that applied to the subdivision plat for which the request for reconsideration is made or that apply to the request for reconsideration. The applicant shall be responsible for providing current information pursuant to section 42-49 of this Code.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-80. Expiration of subdivision plat and development plat approval; extension of approval.

(a) Approval of a preliminary or final class III plat or a class II plat shall be valid for a period of 121 months from the date on which the commission approved the preliminary or final subdivision plat. The commission shall extend the period of validity of an unrecorded class II plat or class III plat for not more than 12 months from the original expiration date upon the written request of the owner of the land subject to the subdivision plat.

(b) Approval of a class I plat shall be valid for a period of 12 months from the date on which the director or commission, as applicable, approved the class I plat. The director shall extend the period of validity of an unrecorded class I plat approved by the director or the commission for not more than 12 months from the original expiration date upon the written request of the owner of the land subject to the class I plat.

(c) Approval of a development plat shall be valid until the completion of the project for which the development plat was approved.

(d) An applicant shall submit a request for extension of approval of a class II plat or a class III plat to the department pursuant to the subdivision plat submittal requirements of section 42-53(a) of this Code to allow the request for extension of time to be considered and acted upon before the expiration date of the subdivision plat. An applicant shall submit a request for extension of approval of a class I plat to the department not later the tenth day before the expiration date of the class I plat to allow the request for the extension of time to be considered and acted upon before the expiration date of the class I plat. Neither the commission nor the director shall consider any request for extension of approval after the original expiration date of a subdivision plat.

(e) When a subdivision plat approval expires, the applicant must submit a new subdivision plat and pay all applicable fees.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-81. Variances.*

(a) The commission is authorized to consider and grant variances from the provisions of this chapter, other than those provisions required by state law, by majority vote of those members present and voting, except as required by subsection (d), for any subdivision plat or development plat when the commission finds that each of the following conditions exist:

- (1) Either:
 - a. The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or
 - b. Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;
- (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;
- (3) The intent and general purposes of this chapter will be preserved and maintained;
- (4) The granting of the variance will not be injurious to the public health, safety or welfare; and
- (5) Economic hardship is not the sole justification for the variance.

In granting a variance, the commission is authorized to impose any condition on the subdivision plat or the development plat for which the variance is requested that the commission determines is reasonably related to the variance re-

*Editor's note—Section 6 of Ord. No. 99-262, adopted March 24, 1999 states: That any variance granted on a plat recorded before June 22, 1982, is hereby recognized as continuing to be valid and compliance with Chapter 42 of the Code of Ordinances, Houston, Texas as amended by this chapter shall not be required.

requested and that furthers the intent and purpose of this chapter. The findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which a variance was granted.

(b) Any variance granted under the provisions of this chapter shall apply only to the specific property for which the commission approved the variance, and shall not constitute a change of this chapter, or any part hereof, or establish any policy, rule or regulation contrary to the provisions of this chapter.

(c) The commission shall not grant or deny any request for a variance on which a public hearing is required by the applicable provisions of chapter 212 until after the hearing has been conducted.

(d) Approval of a variance requested for a replat that is subject to the protest provisions of chapter 212 shall be by the affirmative vote of three-fourths of the commission members present, or such other number as may be established by state law.

(e) The commission shall grant a variance from the building line requirement of division 3 of article III of this Code to an applicant who presents a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation, evidencing approval of a building line other than the setback required by division 3 of article III of this chapter. In addition, the commission shall grant the applicant a variance from one or more requirements of this chapter when the commission determines that the granting of the variance is consistent with a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation.

(f) The commission shall grant a variance to an owner of property that is subject to a prevailing building line requirement established under the provisions of section 42-163 of this Code upon determining that the owner has established a vested right to the building line otherwise applicable under article III of this chapter. The com-

mission shall determine that the owner has established a vested right upon the owner's demonstration that:

- (1) The owner, in good faith and in material reliance on building line otherwise applicable under article III of this chapter, expended a substantial sum of money prior to the effective date of the establishment of the prevailing building line requirement for the property pursuant to section 42-163(j) of this Code that cannot be recovered; or
- (2) That the applicant, in good faith and in material reliance on building line otherwise applicable under article III of this chapter, has irreversibly changed position prior to the effective date of the establishment of a prevailing building line requirement for the property pursuant to section 42-163(j) of this Code that will require the expenditure of substantial sums of money in the future.

It shall be a rebuttable presumption that the existence of a contract to purchase, or option contract on, property subject to a prevailing building line requirement is not the expenditure of a substantial sum of money.

(g) Each application for a general plan, subdivision plat or development plat for property all or part of which is located within the city that requests or requires a variance from the provisions of this chapter shall require notification in compliance with section 42-83 of this Code unless one or more of the following conditions is applicable:

- (1) The application is for a general plan that does not request or require a variance from section 42-135 of this Code;
- (2) The only variance requested or required is from the requirements of section 42-132 of this Code;
- (3) The only variance requested or required is from the provisions of section 42-131 for a cul-de-sac that intersects with a street that does not form any part of the boundary of the subdivision plat; or

- (4) The only variance requested or required is from a building line requirement of division 3 of article III of this Code for property adjacent to a street that does not form any part of the boundary of the plat adjacent to platted or developed property.

* (h) The commission shall grant a variance to an owner of property that is subject to a special minimum lot size established under the provisions of section 42-213 of this Code upon determining that the owner has established a vested right to the lot size otherwise applicable under article III of this chapter. The commission shall determine that the owner has established a vested right upon the owner's demonstration that:

- (1) The owner, in good faith and in material reliance on the lot size otherwise applicable under article III of this chapter, expended a substantial sum of money prior to the effective date of the establishment of the special minimum lot size for the property pursuant to section 42-213 of this Code that cannot be recovered; or
- (2) The applicant, in good faith and in material reliance on the lot size otherwise applicable under article III of this chapter, has irreversibly changed position prior to the effective date of the establishment of a special minimum lot size for the property pursuant to section 42-213 of this Code that will require the expenditure of substantial sums of money in the future.

It shall be a rebuttable presumption that the existence of a contract to purchase, or option contract on, property subject to a special minimum lot size established pursuant to section 42-213 of this Code is not the expenditure of a substantial sum of money.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 8, 9-27-00; Ord. No. 01-1100, § 2, 12-12-01; Ord. No. 03-159, § 9, 2-12-03)

Editor's note—That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2)

one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-81 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

*Ordinance No. 01-1100, § 2, adopted, December 12, 2001, added a new subsection 42-81(g). Inasmuch as there already existed a subsection 42-81(g), at the direction of the city the new subsection is redesignated as 42-81(h).

Sec. 42-82. Special exceptions.

(a) The commission is authorized to consider and grant special exceptions to the provisions of article III of this chapter other than those specified in subsection (e), by majority vote of those members present and voting, except as required by subsection (d), when the commission finds that each of the following conditions exist:

- (1) Special circumstances exist that are unique to the land or the proposed subdivision or development and that are not generally applicable to all other land, subdivisions or developments in the city or its extra-territorial jurisdiction that justify modification of the standards that otherwise would apply;
- (2) The proposed special exception will achieve a result contemplated by the standards in article III of this chapter;
- (3) The modification of the standard requested is not disproportionate to the requirement of the standard, provided however that the commission shall not be authorized to grant a special exception if the modification of the standard is 33 percent or greater. A modification of a measurable standard by 10 percent or less shall be presumed to be not disproportionate;
- (4) The intent and general purposes of this chapter will be preserved and maintained; and
- (5) The granting of the special exception will not be injurious to the public health, safety or welfare.

If a provision of article III of this chapter requires more specific findings with respect to the

consideration and granting of a special exception, the more specific findings shall control. In granting a special exception, the commission is authorized to impose any condition on the subdivision plat or the development plat for which the special exception is requested that the commission determines is reasonably related to the special exception requested and that furthers the intent and purpose of this chapter. The findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which a special exception was granted.

(b) Any special exception granted under the provisions of this chapter shall apply only to the specific property for which the commission approved the special exception and shall not constitute a change of this chapter, or any part hereof, or establish any policy, rule or regulation contrary to the provisions of this chapter.

(c) Solely for the purpose of complying with the notice and hearing requirements of chapter 212 with respect to replats, a special exception shall be deemed a "variance" as that term is used in chapter 212, and all notice and hearing provisions applicable to the granting of a variance pursuant to the preceding section shall apply to the consideration and granting of a special exception. The commission shall not grant or deny any request for a special exception on which a public hearing is deemed required under chapter 212 until after the hearing has been conducted.

(d) Approval of a special exception requested for a replat that is deemed subject to the protest provisions of chapter 212 shall be by the affirmative vote of three-fourths of the commission members present, or such other number as may be established by state law.

(e) The commission shall not grant a special exception to any of the following requirements:

- (1) Lot size requirements;
- (2) Compensating open space requirements;
- (3) Building line requirements; or
- (4) Criteria for designating an urban area.

(f) Each application for a general plan, subdivision plat or development plat for property all or part of which is located within the city that requests or requires a special exception from the provisions of this chapter shall require notification in compliance with section 42-83 of this Code unless one or more of the following conditions is applicable:

- (1) The only special exception requested or required is from the requirements of section 42-132 of this Code; or
- (2) The only special exception requested or required is from the provisions of section 42-131 for a cul-de-sac that intersects with a street that does not form any part of the boundary of the subdivision plat.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 9, 9-27-00)

Editor's note—That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2) one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-82 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

Sec. 42-83. Notification of applications for variance or special exception.

(a) The director shall give the notice required by subsections 42-81(g) and 42-82(f) of this Code by:

- (1) Either:
 - a. Mailing a letter, first class mail, postage paid, to the owners of all lots or tracts that are within 250 feet of the boundary of the general plan, subdivision plat or development plat, as shown on the most recently approved ad valorem tax rolls of the city not less than the seventh day before the first meeting at which the commission will first consider the application; or

- b. By causing the information to be readily available to the public in an electronic format* and

- (2) By letter mailed first class mail, postage paid, or by electronic mail message to each neighborhood association registered with defined boundaries with the department in whose area the general plan or plat is located as soon as reasonably possible before the first meeting at which the commission will consider the application.

(b) The applicant shall give the notice required by subsections 42-81(g) and 42-82(f) of this Code by posting at least one sign on the property that is the subject of the general plan or plat before the tenth day before the date of the meeting at which the commission will first consider the application. A sign shall face each public right-of-way bordering the site, provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The lettering on the sign shall be legible from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the commission acts on the application. The sign shall provide the following information:

- (1) The application number of the plat and the fact that a variance or special exception is being requested;
 - (2) The date, time, and place of the meeting at which the commission will first consider the application;
 - (3) A telephone number of the applicant to call for additional information; and
 - (4) A department telephone number to call for additional information.
- (Ord. No. 00-860, § 10, 9-27-00)

*—The option for giving notice shall not be available until the director reports to the city council, after notice to the commission, that the electronic formatting is functioning and

the city council by motion authorizes the use of this alternative for notice in lieu of letters to individual property owners.

Editor's note—The alternative for notification provided for in part b. of section 42-83(a)(1) of the Code of Ordinances as amended by this section shall not be authorized until the city council by motion, upon recommendation of the planning director after notice to the planning commission, confirms that the planning and development department has established an adequate electronic notification system to implement the purposes of notification provided for in this section.

That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2) one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-82 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

Secs. 42-84—42-99. Reserved.